

VISITATION OF AMERICAN VESSELS BY OFFICERS OF  
THE BRITISH NAVY.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER

*To a resolution of the House of Representatives calling for information in reference to reported acts of visitation by officers of the British navy of American vessels in the waters of the Gulf of Mexico.*

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DECEMBER 16, 1858.—Referred to the Committee on Foreign Affairs and ordered to be printed.

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EXECUTIVE OFFICE,  
Washington, December 15, 1858.

SIR: In compliance with a resolution of the House of Representatives of the 13th instant, requesting the President of the United States (if not inconsistent with the public interest) "to communicate all information in his possession, or which may shortly come into his possession, respecting the reported recent acts of visitation by officers of the British navy of American vessels in the waters of the Gulf of Mexico," I transmit the accompanying reports from the Secretaries of State and of the Navy. The report from the Secretary of State is not, in strictness, embraced by the terms of the resolution, but I deem it advisable to communicate to the House the information therein contained.

JAMES BUCHANAN.

HON. JAMES L. ORR,  
*Speaker of the House of Representatives.*

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DEPARTMENT OF STATE,  
Washington, December 15, 1858.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 13th instant, requesting the Presi-

dent, if not inconsistent with the public interests, to communicate to that House "all information in his possession, or which may shortly come into his possession, respecting reported recent acts of visitation by officers of the British navy of American vessels in the waters of the Gulf of Mexico," has the honor to report that no official information concerning these proceedings has been received by this department.

As connected, however, with the general subject of the resolution of the House, the Secretary of State has the honor to submit herewith extracts from a despatch to this department, received on the 14th instant, from the minister of the United States in London, which reports a conversation had by him on the 26th ultimo with Lord Malmesbury, her Majesty's principal Secretary of State for Foreign Affairs. In relation to the first paragraph of this reported conversation, referring to a communication supposed to have been made by the British minister at Washington to the President, it is deemed proper, for the purpose of correcting an evident misapprehension, to transmit herewith the accompanying copy of a note from Lord Napier, which, with his lordship's consent, is placed at the disposal of the President.

By direction of the President the Secretary of State also transmits herewith a copy of his note to the minister of the United States at Madrid, dated October 21, 1858, and extracts from the reply of that minister, dated November 15, and received yesterday at this department, together with the copy of a memorandum, which accompanied it, of the Spanish minister's observations, as furnished by the Assistant Secretary of State at Madrid.

Respectfully submitted.

LEWIS CASS.

The PRESIDENT.

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*Mr. Dallas to Mr. Cass.*

[Extract.]

No. 138.]

LEGATION OF THE UNITED STATES,  
*London, November 26, 1858.*

SIR: Having just returned from the foreign office, I have the honor to report the substance of my conversation with the Earl of Malmesbury. After receiving me with frankness and cordiality, his lordship said that he had invited the interview because he was aware that my letters for Washington would go forward to-morrow, and he wished me to convey in them some few remarks from him.

1. Lord Napier had communicated to the President the treaty negotiated by Sir W. G. Ousely with the minister from Nicaragua. It was believed that no objection was expressed to its provisions. One of its objects was to terminate the Mosquito protectorate.

2. Sir W. G. Ousely was by this time at Nicaragua, and would exert himself to obtain the ratification of the treaty, in doing which

it was indispensable that he should be protected by the presence of a naval force from any violence meditated by filibusters.

3. The two governments harmonized perfectly in their determination to arrest or crush the ravages of General Walker and his associates. Nothing could be more entirely just and satisfactory than the President's proclamation.

4. He had, however, been much surprised at the contents of a recent letter from Lord Napier, which stated that General Cass considered the orders issued for the protection of Sir W. G. Ousely to be incompatible with the Clayton-Bulwer treaty. Those orders were to the effect that if the government of Nicaragua required, for their defence from filibusters, the active intervention of military power, a suitable armed force was to land, seize the offenders, and hand them over, if American, to the nearest authority of the United States; having done this to retire immediately. His lordship could not understand why such a proceeding should be regarded as in violation of that article of the treaty which interdicted "occupation," [dominion;] especially as a clause of the Cass-Irisarri treaty, with which this government found no fault, but, on the contrary, desired to see effected, provided for exactly the same sort of temporary assistance. It was impossible to allow their diplomatic representative to have his object cut short by marauders. When the treaty was disposed of there would be an end of their interference. Thus far as to Central America.

5. In regard to Mexico, his lordship described Spain as extremely irritated by the cruelties inflicted upon Spaniards, and as threatening to send a fleet to punish and exact redress. England, however, had successfully persuaded delay. Mexico was in so distracted a condition that she could scarcely be said to have a responsible government. England had herself been grossly outraged in the person of Mr. Hanson, whose treatment could best be resented, in the opinion of the law officers of the crown, by a British fleet sent to Tampico. Her Majesty's government, however, were averse to any strong measure, which might make things worse than they already are, and the severity of which would probably fall upon the innocent. It was difficult to say to what result the disordered state of Mexico must lead if the nations interested in her well-being forebore to intervene.

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My solicitude in this narrative has been to give the leading ideas of Lord Malmesbury. Of course, he was not unfrequently interrupted by comments from myself, which led to collateral explanations. Among other things, I remarked that the provision in the Cass-Irisarri treaty, which seemed to me rather to carry out than to violate the Clayton-Bulwer treaty, by securing for all equally the safe and uninterrupted transit, was essentially different in its character from Admiralty orders which, amid the struggles of parties, left to the discretion of naval officers whom to recognize as the *de facto* government of Nicaragua and whom to denounce for British pursuit and dispersion as filibusters. If the popular party, now in motion, acquired strength, their adversaries would, as a matter of course, brand them with that odious name and call for British succor; thus in

stalling foreign troops to settle the political destinies of the country. That was a consequence to which the President and people of the United States could not be supposed insensible, which of all things was most repugnant to the spirit and terms of the Clayton-Bulwer treaty ; and which could not possibly follow from the application, as contemplated by General Cass, of merely such temporary force as might be thought by Nicaragua herself necessary to keep the transit open for the common convenience. His lordship insisted that both landings, in the two cases, were equally right or equally wrong ; he esteemed them to be right, and certainly any attempt by filibusters to defeat the operations of Sir W. G. Ousely would be put down.

I also incidentally remarked that I regretted that his lordship had expressed some leaning in favor of Mr. Belly's project. He disclaimed having done so. Mr. Belly was patronized neither by England nor France. He was a speculating adventurer. It was immaterial by whom the work of opening the transit was effected. If any of the citizens of the United States held an unexpired or unforfeited contract he would be entitled to go on. He was not intimate with the merits of the several claimants to contracts.

Again, in the course of the interview I referred, with probably an obvious feeling, to the alleged "*joint note*" addressed by the French and British ministers to our government, respecting Mr. Belly's contract. He promptly and emphatically denied that anything of the sort had been written or ever contemplated.

The rumor of the morning, coming direct from Paris, was adverted to, that an Anglo-French fleet had orders to proceed to the Gulf of Mexico. That rumor, he said, had lowered the funds; it was nevertheless utterly destitute of foundation.

I can perceive that the discovery of the golden sands in Frazer river, leading to the creation of the new colony of British Columbia, has increased the solicitude for Isthmian routes of transit. In other respects the pacific dispositions of this government do not appear to have changed. Lord Malmesbury several times remarked that it was best to accomplish one aim at a time; that the disrelished protectorate of the Mosquitos was finally disposed of in Sir William's treaty; that as soon as the English guarantee applied to the Nicaraguan route, capital, science, and labor would hasten to accomplish the work, however formidable it appeared.

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I have the honor to be, sir, your most obedient servant,  
G. M. DALLAS.

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[Private.]

H. B. M. LEGATION,  
Washington, December 15, 1858.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter marked "private" of yesterday's date, referring to an account



which had reached you from Mr. Dallas recapitulating a conversation which that minister had recently held with the Secretary of State for Foreign Affairs.

The Earl of Malmesbury is reported to have stated on that occasion that "Lord Napier had communicated to the President the treaty negotiated by Sir William Gore Ouseley with the minister from Nicaragua. It was believed that no objection was expressed to its provisions. One of its objects was to terminate the Mosquito protectorate."

I conceive that what the Earl of Malmesbury intended to convey to Mr. Dallas was this:

"Lord Napier has imparted verbally to General Cass the general sense of a projected treaty, which Sir William Gore Ouseley is instructed to negotiate with Nicaragua, one of the objects of which is to terminate the Mosquito protectorate, and to which no objection was expressed by the United States government."

I have not had the honor of holding any personal communication with the President on this subject.

In so far as I am informed, no treaty has as yet been concluded by Sir William Gore Ouseley with any agent on the part of Nicaragua.

I remain, my dear sir, yours, very truly,

NAPIER.

Hon. LEWIS CASS, *Secretary of State.*

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[Confidential.]

*Mr. Cass to Mr. Dodge.*

No. 66.]

DEPARTMENT OF STATE,  
*Washington, October 21, 1858.*

SIR: Late arrivals from Europe bring us reports that a naval and military armament is about to leave Spain, destined to attack Mexico, with a view, it is rumored, to acquire political ascendancy there, taking advantage of the distracted condition of that unfortunate republic. Under these circumstances, I have thought it proper to ask your attention to this subject.

You are aware of the position taken by the United States, that they will not consent to the subjugation of any of the independent States of this continent to European powers, nor to the exercise of a protectorate over them, nor to any other direct political influence to control their policy or institutions. Recent circumstances have given to this determination additional strength, and it will be inflexibly adhered to, whatever may be the consequences.

The subject is familiar to you and needs no illustration. I do not desire you to draw the attention of the Spanish ministry to it by any formal communication; but it would be well to embrace such favorable opportunities as may present themselves to bring the matter

incidentally to the attention of the Minister of Foreign Affairs, and to make known the interest which this government attaches to this subject; reminding him, at the same time, of the policy concerning it which has been repeatedly declared by the United States, and which will, in all human probability, never be departed from.

With respect to the causes of war between Spain and Mexico the United States have no concern, and do not undertake to judge them. Nor do they claim to interpose in any hostilities which may take place. Their policy of observation and interference is limited to the permanent subjugation of any portion of the territory of Mexico, or any other American State, to any European power whatever.

It is very desirable that this government should know whether Spain is about to send a force to Mexico, and if so, what is its strength, and also what are the alleged causes and the avowed designs. I will therefore thank you to communicate all the information you can procure upon these points, and upon any others connected with this subject, which you may deem important.

I am, sir, your obedient servant,

LEWIS CASS.

AUGUSTUS C. DODGE, Esq.,  
*Madrid.*

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*Mr. Dodge to Mr. Cass.*

[Extract.]

No. 96.]

UNITED STATES LEGATION,  
*Madrid, November 15, 1858.*

SIR: I had the honor on the 13th instant to receive your No. 66, dated the 24th ultimo, asking information respecting the threatened hostilities between Spain and Mexico, and expressing the well known determination of the United States to resist the subjugation by European powers of any of the independent States of our continent, with a view to the exercise of a protectorate or any other political influence over the policy and institutions of such States.

On the same day I sought and obtained an interview with Mr. Calderon Collantes, her Catholic Majesty's Minister of State, causing your despatch to be read and translated to him, and at his request I have since furnished him with a copy of the same.

He took no exception whatever to any of the views or determinations therein expressed. He assured me most earnestly that in the movement which duty, honor, and self-respect had constrained his government to make against Mexico, Spain had not the most remote intention of interfering with the well known policy of the United States as expounded by Mr. Monroe and reiterated by yourself, or of attempting anything for the present more than to afford protection to her citizens and obtain redress for injuries done them; he averring that they had been robbed and maltreated in the most inhuman

manner. He said that they would not receive back nor attempt to govern Mexico nor any of the South American States were she or they to request such government to-morrow; that all Spain expected or desired in that quarter was the retention in peace of her present possessions. He went on to say that the enormities recently perpetrated upon his countrymen were of such an atrocious character as to demand the presence of a suitable naval force off Vera Cruz and Tampico, but that no troops to operate on land had been sent, and that the officers in command had been instructed to avoid, if possible, any conflict with the Mexicans.

As explanatory of what has been done and the reasons for doing it, I send you a translation (No. 1) of a memorandum of the observations of the minister of state, furnished to me after the interview by J. T. Comyn, esq., assistant secretary of state, a gentleman who, when holding a diplomatic situation in London, was well known to President Buchanan.

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*	*	*	You will remember that I have always			
given it as my impression that there would be no war, for the reason						
that I have always believed that England and France would have						
sufficient influence to prevent it. But to my surprise I now learn						
from Mr. Collantes himself, as well as from the						
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that in the matters of recent complaint the Spanish government have						
rejected, in the most emphatic manner, the proffered intervention of						
the before mentioned powers.						
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I remain, very respectfully, your obedient servant,

A. C. DODGE.

Hon. LEWIS CASS, *Secretary of State.*

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[Translation, No. 1.]

The excesses committed in "San Luis Potosi," by the constitutional troops, upon the subjects of her Catholic Majesty, induced the Captain General, governor of Cuba, to send to Tampico some vessels of war, in order to guard against the repetition, at the last named point, of the outrages suffered at the former place. These vessels entered the harbor of Tampico with permission from the governor of the place, and remained quiet spectators of the conflict which was then raging.

When General La Garza imposed upon the Spaniards a large war tax, putting in prison and injuring those who, from want of means, were unable to pay it, the Captain General of Cuba determined upon sending to Tampico other vessels of the royal navy. The expedition of these vessels has for its sole object that of obtaining from General La Garza reparation for the losses and damages caused to the subjects of her Catholic Majesty, refunding the amounts exacted from them, and satisfaction for these outrages. If, to obtain this end, it should

be necessary to employ force, any measures which may be adopted will tend exclusively to the accomplishment of that object, and to protect the Spaniards against the excesses of the Mexicans. These measures will have to be proportioned to the extent of the evil they may have to encounter, but will never have any other object than the one above indicated. The instructions given to the commander of the frigate "Berenguela," who is the chief on the station of Tampico, also includes the protection of other foreign subjects whose interests may be prejudiced.

The assembling a respectable naval force at Sacrificios (Vera Cruz) is for the same purpose. Knowing the tendency of the Mexicans to indulge in a bitter persecution of the Spaniards, the Spanish government has believed it to be its duty to assemble sufficient means to force them to respect the lives and property of its subjects.

These two expeditions do not tend, in any manner, to interfere in the interior affairs of the Mexican republic.

NAVY DEPARTMENT, *December 15, 1858.*

SIR: I have the honor to acknowledge your reference to this department of the resolution of the House of Representatives of the 13th instant, requesting the President (if not inconsistent with the public interest) "to communicate all information in his possession, or which may shortly come into his possession, respecting the reported recent acts of visitation by officers of the British navy of American vessels in the waters of the Gulf of Mexico," and to lay before you copies of two despatches, Nos. 52 and 53, and their enclosures, recently received from Flag Officer James Mc. McIntosh, commanding Home squadron, which contain all the information the department has on the subject.

I have the honor to be, your obedient servant,

ISAAC TOUCEY,  
*Secretary of the Navy.*

The PRESIDENT of the *United States.*

No. 52.]

FLAG-SHIP "ROANOKE,"  
*Off San Juan del Norte, November 26, 1858.*

SIR: I have the honor to inform you that I arrived off this place at 5 o'clock last evening. The "Savannah" is in the river, and the officers and men are in good health, having but eleven on her sick report. The "Jamestown" left a few days since for fresh sea air, and would touch at Aspinwall and return here immediately. I regret to learn she has some thirty cases of the fever. Should they not have

lessened I will send her on her arrival immediately back to Aspinwall as perhaps the most healthy of the two places.

The "Washington," mail steamer, arrived here on the 18th instant, and is now firing up for Aspinwall. Her passengers are still on board there being no means to take them either across the country or to San Francisco had they reached San Juan del Sur. The "Herman" left Panama direct to San Francisco. I anticipated precisely what has occurred, as I informed you in a previous letter.

The "Valorous," Sir W. C. Aldham, with Sir William Gore Ouseley on board, is now the only English vessel of war in the river. I have heard a report that an officer was sent from her to board the "Washington" after she had been inspected and passed by the "Savannah," and who put some very improper interrogatories to her captain, and that Captain Wainwright, in the "Leopard," was despatched in great haste to the Colorado river in search of two hundred filibusters, which rumor stated had been landed from the "Washington" at that point, and that he sent a boat on board the American steamer "Catharine Maria," then lying in that river, to ascertain the correctness of the report. I am taking immediate measures to get full particulars from Captain Jarvis, and will report them in full by the next opportunity; but, according to my present understanding of the matter, it looks like a renewal of the scenes which lately occurred around the island of Cuba, changed only to filibusters for Africans. You may rely on my taking prompt and efficient measures to protect the honor of our flag should it become necessary; and, if really her Britannic Majesty's officers have instructions to board and examine American merchant ships for filibusters, under the very guns of the ships of my squadron, the time must be very short before the most serious consequences may be anticipated. But I hope some explanation may be made, so soon as I can investigate the matter, which may give a more favorable aspect to the course said to have been pursued.

The "Valorous" saluted my flag this morning, which was promptly returned. I write in haste to get my letter off by the "Washington."

I have the honor to be, sir, very respectfully, your obedient servant,

JAS. MC. MCINTOSH,

*Flag-Officer, Commander-in-Chief, Home Squadron.*

HON. ISAAC TOUCEY,

*Secretary of the Navy.*

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No. 53.

FLAG-SHIP ROANOKE,

*Aspinwall, December 3, 1858.*

SIR: I had the honor, on the 26th ultimo, in my No. 52, to inform you of my arrival at San Juan del Norte, on the evening of the 25th,

and also that the "Washington" had arrived, her passengers still on board, without the prospect of crossing the country by that route. She left on the 26th for Aspinwall, and has again returned to the United States with a large portion of her deceived passengers; verifying, I regret it on many accounts, precisely what I reported to you might be expected in my letter No. 48, under date of 16th of October last. That route may, therefore, for the present, be considered as closed.

The "Valorous," Captain W. C. Aldham, was the only British vessel-of-war in port when I left. Sir William Gore Ouseley and family were still on board.

I reported to you that I had verbally learned that the "Washington" had been examined by boats from the "Valorous," subsequently to her being boarded and passed by Captain Jarvis, of the "Savannah;" that Captain W. Inwright, in the "Leopard," had been despatched in great haste to the Colorado river in search of "filibusters;" that she had boarded the American steamer "Catharine Maria," then at anchor in that river, with armed boats, in search of them; that I was taking immediate measures to get the full particulars from Captain Jarvis; and that I would report to you in full by the next opportunity.

Before I proceed further, however, I will here state that the reports in relation to the "Catharine Maria" were greatly exaggerated, and have been most satisfactorily explained to me by Captain Aldham, and that I have not the slightest reason to believe that another case, such as occurred on board the "Washington," will be repeated. I am, however, constrained to say that I believe, had Captain Aldham been left entirely to his own judgment, that such a proceeding would not have occurred at all.

I herewith enclose to you copies of the correspondence with Captain Aldham on this subject, by which you will perceive that he claims a protectorate over the harbor of "Greytown," (Nos. 1, 2, and 3.) I trust that my letters will meet your approval.

I should here state that my first letter to Captain Aldham reached him on Saturday, the 27th ultimo, and his answer was not received until Monday morning; but at the same time I received a private note of a most friendly character from Sir William Gore Ouseley, in which he stated that he had had interviews with both the President and yourself just previously to his leaving the United States. I had sent my card to him by my flag lieutenant, in the first boat that left my ship after my arrival, and desired him to express my regret to Sir William that the exceedingly bad weather and heavy sea prevented me from personally paying my respects.

You will perceive that my second letter to Captain Aldham is dated on the day his answer to my first was received. It was with a private note to Sir William Gore Ouseley sent in on that afternoon by my secretary, Mr. Zantzinger; in which I stated to Sir William that he might be confided in, as he had stated in his note "he would have been glad we should have met, as he would have been pleased to have had a little chat on subjects of mutual interest to both of us."



I would here inform you that, from the moment of my anchoring up to the time when I left San Juan del Norte, it was blowing a norther, with a heavy sea heaving in, the ship rolling the muzzles of her gun-deck guns deeply into the water, requiring the officers and men to get into and out of the boats by ropes and ladders, and the selection of the most active to do it even in that way. It was attended with great danger, and, in my weak state, precluded the possibility of my doing it, which was the only reason I did not wait on Sir William.

Mr. Zantzingher returned to the ship about 6 p. m., bringing with him Captain Aldham, of the "Valorous," and who, upon my invitation, at once consented, in consequence of the roughness of the weather, to remain with me for the night. A short period after his arrival, Mr. Synge, Sir William's secretary of legation, came on board, intending also to spend the night. I had determined when I sent Mr. Zantzingher in with my second letter to Captain Aldham to leave the anchorage as soon as he returned, for I could not remain longer there with the ship straining in every direction, the oakum starting from her seams, and the danger of injuring some portion of her engines. I therefore concluded, as I was obliged to leave, and as I thought it necessary you should receive the very earliest information as to all the facts, to return to Aspinwall, so as to meet the steamer of to-morrow. I requested Mr. Zantzingher to inform Sir William and Captain Aldham that I should proceed to Aspinwall when I left, and would be pleased to take any communications they might desire to send.

To this, most probably, and to a great desire, as Captain Aldham declared, to have an interview with me, I was indebted for the unceremonious visit of both him and the secretary of legation; the latter, no doubt, being sent by Sir William purposely, to remove all unfavorable impressions and talk over, rather than write further upon, the subjects at issue; which, in truth, I did not regret, for I was not insensible of the fact that, in such a correspondence, Captain Aldham would have the benefit of the advice and experience of Sir William. Captain Aldham and myself conversed most frankly upon the subject of the "Washington." He declared his having no intention of an interference with American vessels; his great desire to act in concert with me in endeavoring to prevent the landing of "filibusters;" that he could not possibly see the slightest cause for the apprehension of any difficulty; and that, so far as he was concerned, there should be none.

With Mr. Synge the conversation was equally frank. He, however, distinctly declared that England had never abandoned the protectorate, but that he believed before the 1st of January next the whole matter would be finally settled; that as to boarding and searching American vessels, they had already abandoned it, not from fear or pusillanimity, but because England felt she could do so honorably, and ought to do it, and it was not probable it was now to be revived; that there was certainly nothing secret or mysterious in Sir William's mission, as it was well understood in Washington; and that no officer in Her Britannic Majesty's service would be less likely to do any act

which could be construed as offensive, or as an interference with us, than Captain Aldham. In this conversation I had little to say, for my position had been taken in my correspondence and I desired there to leave it.

I do not pretend to give you the precise words of these free and frank conversations, but I have endeavored, so far as my memory serves me, to give you their meaning literally; and if there was sincerity in them, of which I have not the slightest doubt, I am happy to say I can see at present no cause of apprehension on our part for a recurrence of the proceeding. I was much pleased with both the gentlemen, and everything was done by Captain Gardner and myself which hospitality or kindness could dictate to make them comfortable and at home. They left the ship fully so impressed.

Sir William Gore Ouseley is expected to reach this on Monday next in the British mail steamer.

I have to state to you the utter impossibility of this ship remaining at anchor off San Juan del Norte during the blowing of a norther. She has been more strained in the four days I was there in hull, masts, and rigging than she could have been in a dozen winter voyages across the Atlantic. These winds blow in squalls; and when they moderate the current from the river is running out with such velocity as to cause the ship to lay directly in the trough of the sea, and to roll most heavily, certainly endangering her masts and straining her engines. It is a bad anchorage even in the regular trades, for then, as was the case in the "Wabash" when she landed her men, the ship was rolling guns under; but in a norther, and this is the season for their recurring every few days, it is simply impossible without the utmost danger. No ship with too great a draught to enter the river should be kept there from November to March. Mr. Burton, the pilot, now informs me that he has more recently sounded thoroughly the bar, and, as a constant thing, twenty-three feet is all that can be found; but that, occasionally, as was the case sometime since when the "Savannah" entered the river, twenty-five feet were found in two instances. Such a variation makes it too precarious for this ship ever to enter the river.

The "Jamestown," I regret to say, left here with our mails before my arrival; but, as she has had fair winds, and I ordered her immediately back, I hope to receive any despatches she may have for me in a few days, and I shall await here her arrival.

I herewith also transmit the petition of a town meeting, held at San Juan del Norte on the 18th ultimo, addressed to Sir William Gore Ouseley, and the response of Sir William. These papers I only received from Mr. Cotrell, our commercial agent, just previous to getting underweigh from that place.—(Nos. 4, 5, 6.)

I have the honor to be, sir, very respectfully, your obedient servant,  
JAS. MC. MCINTOSH,

*Flag-Officer, Commander-in-chief Home Squadron.*

HON. ISAAC TOUCEY,

*Secretary of the Navy.*

## No. 1.

FLAG-SHIP ROANOKE,  
*Off San Juan del Norte, November 26, 1858.*

SIR: I enclose to you the copy of a report made to me to-day by Captain Joseph R. Jarvis, commanding the United States ship "Savannah." It relates, as you will perceive, to the visit to the American steamer "Washington" by two of the officers of her Britannic Majesty's navy, attached to the ship under your command. I have also a verbal report relative to the boarding by Captain Wainwright, of her Britannic Majesty's ship "Leopard," of the American steamer "Catharine Maria," in the Colorado river, in search, it is said, of filibusters.

Of the last act I am, as yet, but imperfectly informed. In both cases, however, quite enough has been ascertained to cause me deep regret at the course pursued, and much anxiety, if persevered in, or again repeated, of maintaining the peaceful relations at present existing between our two governments.

My instructions are most rigid in relation to the boarding, delaying, or examining of American merchant vessels by the vessels-of-war of any other nation, and I see no difference between the doing so, whether in search of filibusters or Africans. They look to no such difference, and it cannot for a moment be admitted. These instructions must be executed to the extent of the power intrusted to my command, and I assure you that it will be most agreeable to me if it can be done without the slightest misunderstanding in relation to our respective duties, and still preserve the peaceful relations which now, and I hope may continue to exist between our two nations. To secure this most desirable end, vessels under the American flag calling at the ports of Central America must be exempted from visit or search on any account.

A part of my duty here, with a portion of the squadron under my command, is to prevent the landing in Nicaragua, Costa Rica, and the other republics of Central America, all filibustering or other illegal expeditions, should any attempt it, from the United States, under the American flag; and the officers in command of the ships of my squadron are strictly instructed upon this point. There can, therefore, be no possible excuse for the interference by the ships-of-war of her Britannic Majesty's navy with vessels under the American flag, and it is to be hoped that the officers commanding them will desist from creating all unnecessary excitement and the danger of an interruption to the good understanding which at present exists, particularly as I received, under date of the 7th July last, the assurance of Commodore Kellett that he had issued instructions to the respective captains and commanders of the ships and vessels under his orders

"to cease visiting or interfering with American vessels in these waters."

I have the honor to be, sir, very respectfully, your obedient servant,  
JAMES Mc.McINTOSH,

*Flag Officer, Commander-in-Chief Home Squadron.*

Sir W. C. ALDHAM, K. C. B.,

*Commanding her Majesty's steam-frigate "Valorous."*

UNITED STATES SHIP "SAVANNAH,"

*San Juan del Norte, November 20, 1858.*

SIR: I have the honor of informing you that since I wrote you this afternoon I have the following information:

Two officers from one of the British ships in the harbor boarded the "Washington" within fifteen minutes after she came to anchor, and asked Captain Churchill the following questions: "Where-from?" "How many passengers have you?" "How many days out from New York?" "Did you stop at any port on your way out?"

These questions were answered. They then wished to look at his passenger list. Captain Churchill referred them to his purser. On looking over the list which they received from the purser, they asked "how many passengers have you?" He answered by stating the number. "Are they all Americans?" "No; they are of various nations." "Are they armed?" "Not any to my knowledge." "Did the American officers who boarded you examine your hold?" "No." Mr. King, the first mate, who was present at the interview, remarked that if they (the officers) wished any information on the subject they might obtain it by applying to one of the American ships-of-war in the harbor. They replied "that their instructions were to obtain their information direct."

The above is all the information I have received; and I shall await your further instructions upon the subject.

I am, sir, very respectfully, your obedient servant,

JOSEPH R. JARVIS, *Captain.*

Flag Officer JAMES Mc.McINTOSH,

*Commander in Chief Home Squadron.*

No. 2.

HER MAJESTY'S SHIP "VALOROUS,"

*Greytown, November 28, 1858.*

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, enclosing a copy of a report made to you by Captain Jarvis, of the United States ship "Savannah," relating to the visit, on the 17th instant, of two officers of her Majesty's ship under my

command to the American steamer "Washington," which had just anchored at this port.

In reply, I must express my great regret that you should consider the act of visiting an American merchant vessel within this port, which is under the protection of Great Britain, for the purpose of obtaining the information which is usually required by all civilized nations from vessels entering their harbors, or those under their protection, or in any friendly port, in the same light as the delaying, boarding, and examining of an American vessel on the high seas in search of slaves or pirates; and I still more deeply regret that my acting in accordance with established usages in this respect should cause you to apprehend any such grave danger as that to which you allude.

I trust to remove from your mind any misunderstanding as to my acts and intentions, and beg to assure you that in carrying out my instructions, which are of a similar nature to those which you have received from your government, and which you have been kind enough to communicate to me, it will be my earnest endeavor and my most pleasing duty to act in a spirit of perfect frankness and cordiality with the flag officer, or any other officers of the United States forces on the station.

There are some circumstances which appear to have escaped your attention, and which I beg to bring to your notice.

The "Washington" had been boarded by the United States ship "Savannah" previous to my sending a boat to her, and as she had been permitted to enter the harbor, it was evident, judging from the declarations of the United States government against all illegal invaders, that she was not employed by the filibusters, for in that case she would have been forbidden to enter the port.

After the "Washington" had anchored in this port, the usual and natural course of sending to make inquiries and obtain news was followed. No prohibition of all friendly intercourse between American merchant or passenger vessels and her Majesty's ships had been made known to me; such intercourse is customary in times of peace among all civilized nations, and is never objected to by her Majesty's officers when practiced by United States men-of-war to English merchantmen.

I beg to point out that such a hostile prohibition would have been in the present case highly inconvenient to some of the passengers on board who are English subjects, one of them, indeed, a British functionary proceeding with his family to one of her Majesty's possessions on the Pacific coast, and unless in case of actual warfare, such prohibition of intercourse appears quite unusual. None such now exists on board her Majesty's packets with respect to foreign men-of-war, either in this harbor or elsewhere.

I have to thank you, sir, for imparting to me the gratifying nature of your instructions respecting the filibusters, or others illegally attacking nations with whom our respective governments are in peaceful relation; such an honorable course was to be expected from the well known disposition and declaration of the United States government;

and it is highly satisfactory to me to acquaint you that my instructions are to a similar purport, and are actuated by the same spirit.

In order to convince you of the perfect frankness and cordiality with which I am desirous to act towards you, I will, if you will allow me to trespass still further on your time, lay before you at once, and without waiting till you communicate to me formally the reports on the subject which, as yet, have only reached you verbally, a clear statement of the circumstances under which I directed Captain Wainwright, of her Majesty's ship "Leopard," to proceed to the Colorado river.

Having received a notification from the authorities of the Nicaraguan and Costa Rican governments that a hostile force had landed, or were about to land, in the river Colorado, with a request that I would aid in preventing it, I immediately despatched Captain Wainwright in the "Leopard," to ascertain if such was the case.

Captain Wainwright left this port late in the afternoon of the 18th instant, and, it being dark, mistook the entrance of the river and anchored two or three miles to the southward of it. At daylight he weighed and anchored off the river, and in his own boat, accompanied by two others, pulled into the river, examining the banks on either side to see if there were any traces of a landing having taken place. In proceeding up the river he observed the "Catharine Maria" at anchor, and as he neared her perceived some persons on board with whom he was acquainted. He immediately went alongside in his own boat only, and going on board requested to be informed if they had heard or had seen anything resembling marauders or filibusters in the neighborhood; and being answered in the negative, Captain Wainwright left the "Catharine Maria" and returned to his own ship, weighed and was at anchor again in this port by noon of the nineteenth.

I trust, sir, that this frank explanation of the circumstances to which your letter alludes, will convince you that I have acted in no spirit of interference with American merchant vessels, and have not arrogated to myself any right which is not conceded by universal custom to the commanding officer of the naval forces in a port belonging to, or placed under the protection of his own nation.

I have the honor to be, sir, with great respect, your most obedient servant,

W. CORNWALLIS ALDHAM,

*Captain.*

Flag Officer JAMES Mc. McINTOSH,

*Commander-in-chief Home Squadron U. S. Ships.*



## No. 3.

FLAG-SHIP "ROANOKE," OFF SAN JUAN DEL NORTE,  
November 29, 1858.

SIR: I have the honor to acknowledge the receipt of your communication under date of the 28th instant.

As a justification of your act in sending officers from your ship to visit and examine American merchant vessels entering the port of San Juan del Norte, you inform me that "this port is under the protection of Great Britain." I am not, however, aware that my government has ever acknowledged such protection. On the contrary, my government has always repudiated it. The first article of the "Clayton-Bulwer convention" distinctly disavows it. I quote therefrom: "agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

If her Majesty's vessels board our merchant vessels for the purpose of examining the papers and cargo of those which enter the port of San Juan del Norte, as the officers from the "Valorous" did, then you "assume" to "exercise dominion," which the "Clayton-Bulwer convention" distinctly disclaims. Such construction I cannot for one moment recognize until further advised by my government; and, consequently, I must act under my present instructions, the tenor of which were communicated to you in my letter of the 26th instant.

I beg to express to you my entire satisfaction with your explanation in respect to the visit of Captain Wainwright, of her Majesty's frigate, "Leopard" to the American steamer "Catharine Maria," in the Colorado river, and of which visit I stated to you that I was but imperfectly informed; but which I find, from your frank and clear representation, and for which I thank you, was very much exaggerated.

I regret, however, to find that I am misunderstood by you as objecting to a friendly visit from one of her Majesty's ships-of-war to an American vessel in this or any other port. Such was not my objection, for I am aware that it is customary to make such visits by the vessels-of-war of all nations, and they are constantly made to her Majesty's mail-packets by the ships of my squadron; but they are simply acts of courtesy, with offer of services, &c. The "Washington" had been boarded by an officer from the United States ship "Savannah," in obedience to my instructions to Captain Jarvis in relation to all American vessels bound into the river, or that should appear off this port, and she was strictly examined, particularly as to improper persons who might be forcing themselves into Nicaragua and Costa Rica.

She was found to be in all respects regularly cleared, her passengers unexceptionable, and she was therefore permitted to enter the river. Under other circumstances the "Washington" would have been, as you justly infer, prevented from going in. A friendly visit

from a boat from your ship after the "Washington" had anchored would never have been made by me the subject of complaint. But the inquiries which were propounded by the boarding officers from your ship looked at once into a thorough investigation and examination of the ship, and to the manner in which the United States officers had performed their duties. This I considered as exceeding what would be characterized as a *friendly visit*, to which I called your attention, and which I am constrained still to consider as unnecessary on the part of the officers under your command.

I trust, however, from the frank and friendly tenor of your letter, and which I assure you in no one point exceeds my own, that we shall have no interruption to our friendly relations in the execution of our respective duties.

I have the honor to be, sir, with great respect, your obedient servant,

JAS. Mc. McINTOSH,

*Flag Officer, Commander-in-chief, Home Squadron.*

Sir W. C. ALDHAM, K. C. B.,

*Commanding her Majesty's Steam Frigate "Valorous."*

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No. 4.

UNITED STATES SHIP SAVANNAH,  
*San Juan del Norte, November 20, 1858.*

SIR: On the 17th instant I had the honor of informing you that I had called upon Sir William Gore Ouseley, and that he had stated to me that he should sail for Aspinwall in two or three days. He now informs me that it is uncertain when he sails, and I have therefore thought it best, as the "Jamestown" was going to sea for a short time on account of the health of her crew, to send her to communicate with you.

Sir William appears to be very busy in diplomacy, but we have not been able to ascertain what about. He appears to be in constant communication with Mr. Green, her Britannic Majesty's consul. Mr. Banuel, the reported consul for Nicaragua to this place, was received on board the "Valorous" with seven guns.

On the 18th, at 1 o'clock, the "Washington" steamer arrived from New York, with three hundred and thirty passengers, bound to California. Her clearance, &c., is perfectly correct. At 5.30 p. m. Colonel Childs proceeded up the river San Juan in the "Catharine Maria," bound to Nicaragua, to try and obtain permission to carry them over the transit to San Juan del Sur. Should he not obtain it, the "Washington," on the 26th, will leave this port for Aspinwall. At midnight the "Catharine Maria," not finding water enough, returned and went outside to the Colorado river.

There was a town meeting held at Greytown on the 18th instant, and certain resolutions passed, a copy of which I am trying to obtain.

I herewith send you a copy of a letter received from Mr. Cotrell upon the subject of the town meeting.

At 4 p. m. of the 18th the "Leopard" sailed from this place and stood to the eastward, and the morning of the 19th returned and anchored here. Captain Wainwright informed me that he was on board the "Catharine Maria" in the Colorado river. At about 9 p. m. of the 18th Captain Aldham came on board and asked me what I thought of the steamer "Washington." I told him I had no doubts of her being engaged in a lawful pursuit; that her clearance, &c., was all correct. He said he thought so too; that he had heard a report that she had landed at the Colorado river over two hundred men, under the command of General Henderson. I told him that I did not believe a word of it; that it was all humbug. He said he agreed with me.

The "Leopard" sailed to-day on her way to England.

Our sick list is on the increase, and I shall take a cruise on the return of the "Jamestown," unless otherwise ordered by you. We have twenty-one with intermittent fever, one with remittent, and one with scurvy. The cases generally are very light. I cannot account for the increase. For the past fortnight there has been remarkably fine weather for this place.

I am, very respectfully, your obedient servant,

JOSEPH R. JARVIS.

Flag Officer JAMES Mc. McINTOSH,  
*Commanding Home Squadron.*

SAN JUAN DEL NORTE,  
November 20, 1858.

DEAR SIR: I have ascertained that a public meeting was held on the 18th instant, at the Station House in this town, and a petition was yesterday sent to Sir William Gore Ouseley, her Britannic Majesty's plenipotentiary, signed by some seventy of the residents of this place, requesting him to aid them in maintaining an independent government for this port, setting forth that they had for several years past a government of their own, made their own laws, elected their own officers, and managed their own affairs *independent* of Nicaragua, Mosquito, or any other power; that it was, in the opinion of the petitioners, absolutely necessary that there should be *one* place in Central America where the *people* ruled, and claiming that the government here had been established and conducted on this principle, and had always afforded shelter and protection to Nicaraguans and Costa Ricans, and others, during the troubles which for the last few years had disturbed the peace of the interior, &c. The petitioners also stated that only on one occasion since the establishment of their government had crime escaped unpunished, and that the case referred to was that of the murder of a Nicaraguan by a captain of a transit steamer on the San Juan river, who was shielded from justice by Mr. Solon Borland, while a minister of the United States in Nicaragua.

This petition was presented to Sir William Gore Ouseley yesterday, with what success I have not been able to learn.

Very respectfully, your obedient servant,

B. SQUIRE COTRELL.

Captain J. JARVIS, U. S. N.,  
*United States Ship Savannah.*

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No. 5.

*Copy of a petition of citizens of Greytown, assembled at a public meeting, addressed to Sir William Gore Ouseley, her Britannic Majesty's plenipotentiary to Central America.*

SIR: We, the undersigned, citizens and property-holders of the city of Greytown, or San Juan del Norte, would beg leave to state to your excellency that, from the first of May, A. D. 1851, the citizens of this place have exercised all the rights of a separate and independent government, under the title of the Free City of Greytown, or San Juan del Norte; have formed and adopted a constitution adapted to our wants; passed and enforced our own laws, regulated our finances and have been enabled, for the last seven years, to protect the public peace, the property and rights of our citizens and of those residing in or passing through this place, with the single exception of the bombardment and destruction of this place by the superior forces of the United States, in July, A. D. 1854; that this city and port have been declared, and is, a free port, in every sense of the word, the city levying no imposts, nor collects any revenues upon the commerce imported or exported into this city, nor upon the commerce of those States of Central America where exports and imports pass through this city and port. The citizens of this place are almost entirely foreigners, consisting of Americans, English, Frenchmen, Spaniards, Germans, and Italians. The merchants of this city are, almost without exception, foreigners. The real estate and improvements of the city have been made, built, and belong almost exclusively to foreigners. In fact, we may say we have no interest, except *commercially*, with the States of Central America; and it is the wish of the citizens of this place that this city of Greytown, or San Juan del Norte, remain a free and independent government, with a territory and jurisdiction attached, as is set forth in the constitution of 1852, its neutrality and rights being protected by the great powers of Europe and the United States; for we consider it absolutely necessary for the benefit of commerce and public safety that there should be *at least one place* in Central America where the commerce, as well as the lives and property of its citizens, should have security and protection; and we are perfectly satisfied that, as a free city, we are able to maintain such a position, and have been enabled so to do for the last seven years; and in no instance, but one, has crime escaped its just punishment in this city, and *that one* was the murder of Antonio Pali-

dino, a patron of a river bungo, who was killed by a Captain Smith, who was in command of a river boat belonging to the Accessory Transit Company of Nicaragua, and who was protected from arrest and punishment by Mr. Solon Borland, the American minister, in May, 1854.

We would therefore ask of your excellency, if compatible with your official position, to assist us in maintaining our position as a free and independent government, with full powers of regulating our own affairs, enacting and enforcing our laws, electing our officers, regulating our finances, and defending our territory, which rights we feel we are fully entitled to.

We remain, &c., &c.

No. 6.

*Copy of the reply of Sir W. G. Ousely to the petition.*

HER MAJESTY'S SHIP VALOROUS,  
*Greytown Harbor.*

SIR: Owing to a severe attack of fever, I have been unable earlier to acknowledge the receipt, through Mr. Consul Green, of the memorial dated the 18th instant, and signed and attested by yourself, mayor of Greytown, to which are appended the signatures of a considerable number of residents and property-holders of this place.

With respect to the questions referred to in the memorial, I can only, at present, express my opinion that the whole subject of the relations, protectorate, and limits of the kingdom of Mosquito will no doubt shortly be taken into consideration in the proper quarter, with due respect for the rights, privileges, and interests involved, and, I cannot but believe, with results favorable to the prosperity and progress of all concerned.

I have to request you, Mr. Mayor, that you will be good enough to communicate this reply to the signers of the memorial, with my compliments, and to accept them yourself from your very obedient, humble servant,

W. G. OUSELY.

The MAYOR of *Greytown*.







